

- Sec.
424. Band leaders.
425. United States Navy Band; United States Marine Corps Band: allowances while on concert tour.
[426. Repealed.]
427. Family separation allowance.
428. Allowance for recruiting expenses.
429. Travel and transportation allowances: minor dependent schooling.
430. Travel and transportation: dependent children of members stationed overseas.
431. Benefits for certain members assigned to the Defense Intelligence Agency.
432. Travel and transportation: members escorting certain dependents.
433. Allowance for muster duty.
433a. Allowance for participation in Ready Reserve screening.
434. Subsistence reimbursement relating to escorts of foreign arms control inspection teams.
435. Funeral honors duty: allowance.
436. High-deployment allowance: lengthy or numerous deployments; frequent mobilizations.
437. Allowance to cover monthly premium for Servicemembers' Group Life Insurance: members serving in Operation Enduring Freedom or Operation Iraqi Freedom.
438. Preventive health care allowance.¹

AMENDMENTS

2008—Pub. L. 110-417, [div. A], title VII, § 714(b), Oct. 14, 2008, 122 Stat. 4505, added item 438.

Pub. L. 110-181, div. A, title VI, §§ 631(a)(2), 633(a)(2), Jan. 28, 2008, 122 Stat. 154, 155, added items 408a and 433a.

2006—Pub. L. 109-364, div. A, title VI, § 606(c), title X, § 1071(c)(5), Oct. 17, 2006, 120 Stat. 2246, 2401, substituted "dislocation allowance" for "dislocation allowances" in item 407, inserted "Corps" after "United States Marine" in item 425, and struck out "portion of" before "monthly" in item 437.

Pub. L. 109-163, div. A, title VI, §§ 613(b), 651(b)(2), 653(b) Jan. 6, 2006, 119 Stat. 3292, 3311, 3313, added items 411j and 437 and substituted "Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member" for "Travel and transportation allowances: lodging expenses at temporary duty location for members on authorized leave" in item 404b.

2005—Pub. L. 109-13, div. A, title I, § 1026(b)(2), May 11, 2005, 119 Stat. 254, substituted "illness or injury of members" for "the serious illness or injury of members" in item 411h.

2004—Pub. L. 108-375, div. A, title VI, § 605(b)(3), Oct. 28, 2004, 118 Stat. 1945, substituted "continental United States" for "United States or in Hawaii or Alaska" in item 405.

2003—Pub. L. 108-136, div. A, title V, § 541(b)(5)(B), title VI, § 635(b), Nov. 24, 2003, 117 Stat. 1477, 1511, added item 404b and substituted "High-deployment allowance: lengthy or numerous deployments; frequent mobilizations" for "Per diem allowance for lengthy or numerous deployments" in item 436.

2000—Pub. L. 106-398, § 1 [[div. A], title X, § 1087(c)(1)(B)], Oct. 30, 2000, 114 Stat. 1654, 1654A-292, made technical amendment to directory language of Pub. L. 106-65, § 586(c)(2). See 1999 Amendment note below.

Pub. L. 106-398, § 1 [[div. A], title X, § 1087(c)(1)(A)(ii)], Oct. 30, 2000, 114 Stat. 1654, 1654A-292, made technical amendment to directory language of Pub. L. 106-65, § 578(k)(4). See 1999 Amendment note below.

Pub. L. 106-398, § 1 [[div. A], title VI, §§ 604(a)(2), 645(b), title X, § 1087(b)(4)], Oct. 30, 2000, 114 Stat. 1654,

1654A-147, 1654A-162, 1654A-292, added items 402a and 411i and redesignated item 435 "Per diem allowance for lengthy or numerous deployments" as 436.

1999—Pub. L. 106-65, div. A, title V, § 586(c)(2), Oct. 5, 1999, 113 Stat. 639, as amended by Pub. L. 106-398, § 1 [[div. A], title X, § 1087(c)(1)(B)], Oct. 30, 2000, 114 Stat. 1654, 1654A-292, added item 435 "Per diem allowance for lengthy or numerous deployments".

Pub. L. 106-65, div. A, title V, § 578(k)(4), Oct. 5, 1999, 113 Stat. 631, as amended by Pub. L. 106-398, § 1 [[div. A], title X, § 1087(c)(1)(A)(ii)], Oct. 30, 2000, 114 Stat. 1654, 1654A-292, added item 435 "Funeral honors duty: allowance".

1998—Pub. L. 105-261, div. A, title VI, § 633(b)(2), Oct. 17, 1998, 112 Stat. 2044, substituted "rest and recuperative leave from certain stations" for "leave from certain stations" in item 411c.

1997—Pub. L. 105-85, div. A, title VI, § 603(c)(4), Nov. 18, 1997, 111 Stat. 1782, substituted "housing" for "quarters" in item 403 and struck out item 403a "Variable housing allowance".

1994—Pub. L. 103-337, div. A, title VI, § 602(a)(2), Oct. 5, 1994, 108 Stat. 2781, added item 403b.

1992—Pub. L. 102-484, div. A, title VI, § 623(a)(2), Oct. 23, 1992, 106 Stat. 2423, added item 434.

1990—Pub. L. 101-510, div. A, title V, § 504(a)(1), title XIV, § 1484(f)(1), Nov. 5, 1990, 104 Stat. 1559, 1717, revised chapter heading so as to appear in all capital letters and renumbered Pub. L. 95-561, § 1407(c)(1)(B). See 1978 Amendment note below.

1989—Pub. L. 101-189, div. A, title V, § 502(b)(2), title VI, § 624(a)(2), Nov. 29, 1989, 103 Stat. 1437, 1448, added items 406c and 433.

1987—Pub. L. 100-180, div. A, title VI, §§ 611(a)(2), 614(a)(2), (d)(3), 615(a)(2), title XIII, § 1314(c)(2), Dec. 4, 1987, 101 Stat. 1093-1096, 1176, substituted "leave between consecutive overseas tours" for "certain leave" in item 411b, added items 411g and 411h, inserted "and Vice Chairman" in item 413, added item 419, and redesignated former items 419 and 420 as 420 and 421, respectively.

Pub. L. 100-26, § 8(b)(1), Apr. 21, 1987, 101 Stat. 285, redesignated item 431 "Travel and transportation: members escorting certain dependents" as item 432.

1986—Pub. L. 99-661, div. A, title VI, § 615(a)(2), Nov. 14, 1986, 100 Stat. 3880, added item 431 "Travel and transportation: members escorting certain dependents".

1985—Pub. L. 99-145, title VI, §§ 616(c)(2), 620(a)(2), title XIII, §§ 1302(b)(2), 1303(b)(7), Nov. 8, 1985, 99 Stat. 641, 643, 738, 740, substituted "allowances:" for "allowances;" in item 404 and "departure" for "evacuation" in item 405a, struck out "away from home port" after "inactivating" in item 406b, added item 411f, substituted "allowances" for "allowance" in item 425, and added item 431 "Benefits for certain members assigned to the Defense Intelligence Agency".

1984—Pub. L. 98-525, title VI, §§ 602(d)(2), 612(a)(2), Oct. 19, 1984, 98 Stat. 2536, 2539, struck out "; variable housing allowance" after "Basic allowance for quarters" in item 403, and added item 403a, and substituted "personal emergencies for certain members and dependents" for "certain emergencies for members performing temporary duty" in item 411d.

1983—Pub. L. 98-94, title IX, §§ 910(a)(2), 932(e)(2), Sept. 24, 1983, 97 Stat. 639, 650, struck out item 421 "Contract surgeons" and added item 430.

1981—Pub. L. 97-60, title I, §§ 122(a)(2), 126(b), Oct. 14, 1981, 95 Stat. 1003, 1005, added items 404a, 411c, 411d, and 411e.

Pub. L. 97-22, § 11(b)(3)(B), July 10, 1981, 95 Stat. 138, substituted "uniformed services" for "Uniformed Services" in item 406b.

1980—Pub. L. 96-343, § 4(a)(3), Sept. 8, 1980, 94 Stat. 1125, substituted "for quarters; variable housing allowance" for "for quarters" in item 403.

Pub. L. 96-342, title VIII, § 808(a)(2), Sept. 8, 1980, 94 Stat. 1097, substituted "house trailers and mobile homes" for "trailers" in item 409.

¹ So in original. Does not conform to section catchline.

1978—Pub. L. 95-561, title XIV, §1407(e)(1)(B), formerly §1407(c)(1)(B), Nov. 1, 1978, 92 Stat. 2367, renumbered §1407(d)(1)(B) by Pub. L. 101-510, div. A, title V, §504(a)(1), Nov. 5, 1990, 104 Stat. 1559, renumbered §1407(e)(1)(B) by Pub. L. 107-107, div. A, title III, §353(1), Dec. 28, 2001, 115 Stat. 1063, added item 429.

1973—Pub. L. 93-213, §1(2), Dec. 28, 1973, 87 Stat. 910, added item 411b.

Pub. L. 93-170, §1(2), Nov. 29, 1973, 87 Stat. 689, substituted “overhauling or inactivating” for “overhauling” in item 406b.

1971—Pub. L. 92-129, title II, §205(b), Sept. 28, 1971, 85 Stat. 359, added item 428.

1970—Pub. L. 91-210, §1(2), Mar. 13, 1970, 84 Stat. 53, added item 406b.

1968—Pub. L. 90-377, §9, July 5, 1968, 82 Stat. 288, struck out item 426 “Prisoners in naval confinement facilities”.

1967—Pub. L. 90-207, §9(2), Dec. 16, 1967, 81 Stat. 655, inserted item 411a.

1965—Pub. L. 89-26, §1(2), May 22, 1965, 79 Stat. 117, inserted item 405a.

1964—Pub. L. 88-647, title II, §202(6), Oct. 13, 1964, 78 Stat. 1071, substituted “Cadets and midshipmen” for “Cadets, midshipmen, and naval officer candidates” in item 422.

1963—Pub. L. 88-238, §1(2), Dec. 23, 1963, 77 Stat. 476, inserted item 406a.

Pub. L. 88-132, §11(2), Oct. 2, 1963, 77 Stat. 217, added item 427.

§ 401. Definitions

(a) DEPENDENT DEFINED.—In this chapter, the term “dependent”, with respect to a member of a uniformed service, means the following persons:

- (1) The spouse of the member.
- (2) An unmarried child of the member who—
 - (A) is under 21 years of age;
 - (B) is incapable of self-support because of mental or physical incapacity and is in fact dependent on the member for more than one-half of the child’s support; or
 - (C) is under 23 years of age, is enrolled in a full-time course of study in an institution of higher education approved by the Secretary concerned for purposes of this subparagraph, and is in fact dependent on the member for more than one-half of the child’s support.
- (3) A parent of the member if—
 - (A) the parent is in fact dependent on the member for more than one-half of the parent’s support;
 - (B) the parent has been so dependent for a period prescribed by the Secretary concerned or became so dependent due to a change of circumstances arising after the member entered on active duty; and
 - (C) the dependency of the parent on the member is determined on the basis of an affidavit submitted by the parent and any other evidence required under regulations prescribed by the Secretary concerned.
- (4) An unmarried person who—
 - (A) is placed in the legal custody of the member as a result of an order of a court of competent jurisdiction in the United States (or Puerto Rico or a possession of the United States) for a period of at least 12 consecutive months;
 - (B) either—

(i) has not attained the age of 21;

(ii) has not attained the age of 23 years and is enrolled in a full time course of study at an institution of higher learning approved by the Secretary concerned; or

(iii) is incapable of self support because of a mental or physical incapacity that occurred while the person was considered a dependent of the member or former member under this paragraph pursuant to clause (i) or (ii);

(C) is dependent on the member for over one-half of the person’s support;

(D) resides with the member unless separated by the necessity of military service or to receive institutional care as a result of disability or incapacitation or under such other circumstances as the Secretary concerned may by regulation prescribe; and

(E) is not a dependent of a member under any other paragraph.

(b) OTHER DEFINITIONS.—For purposes of subsection (a):

(1) The term “child” includes—

(A) a stepchild of the member (except that such term does not include a stepchild after the divorce of the member from the stepchild’s parent by blood);

(B) an adopted child of the member, including a child placed in the home of the member by a placement agency (recognized by the Secretary of Defense) in anticipation of the legal adoption of the child by the member; and

(C) an illegitimate child of the member if the member’s parentage of the child is established in accordance with criteria prescribed in regulations by the Secretary concerned.

(2) The term “parent” means—

(A) a natural parent of the member;

(B) a stepparent of the member;

(C) a parent of the member by adoption;

(D) a parent, stepparent, or adopted parent of the spouse of the member; and

(E) any other person, including a former stepparent, who has stood in loco parentis to the member at any time for a continuous period of at least five years before the member became 21 years of age.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 469; Pub. L. 93-64, title I, §§103, 104, July 9, 1973, 87 Stat. 148; Pub. L. 100-26, §8(e)(7), Apr. 21, 1987, 101 Stat. 286; Pub. L. 102-190, div. A, title VI, §621, Dec. 5, 1991, 105 Stat. 1377; Pub. L. 103-160, div. A, title VI, §631(a), Nov. 30, 1993, 107 Stat. 1683; Pub. L. 103-337, div. A, title VII, §701(b), Oct. 5, 1994, 108 Stat. 2797.)